

REMARKS

Status of the Claims:

Claims 1, 10, 15, 31, and 34 have been amended. Claims 41-45 have been added. After amending the claims as set forth above, claims 1-23, 26-28, and 31-45 are now pending in this application.

Claim Rejections – 35 U.S.C. § 102 – Larsen et al. (6,736,797)

Claims 1-23 and 31-40 have been rejected under 35 U.S.C. 102(b) as being anticipated by Larsen et al. (6,736,797). These rejections are respectfully traversed, in view of the claims as amended herein.

Independent claim 1, as amended, recites an infusion set, comprising: a base for providing a subcutaneous infusion path in a first generally linear direction, said base having a first surface that faces a skin surface of a user when said base is supported on said skin surface and when said infusion set is used to pass fluids to said user; a cannula connected to and extending away from the base; a connector removably attachable to the base, the connector comprising a connector duct having a fluid flow path that extends in generally the first linear direction and aligns with the linear subcutaneous path upon the connector being attached to the base; and a tubing affixed to the connector, wherein the connector is rotatable on the base more than 5 degrees while the cannula is at a subcutaneous position and limited to less than 360 degrees around an axis that is substantially perpendicular to said first surface of said base, when the connector is removably attached to the base, wherein the connector comprises at least one stop surface for inhibiting rotation of the connector beyond 360 degrees; and wherein a contiguous passage for passing fluids is formed from the tubing to the cannula when the connector is removably attached to the base. Similar features are found in independent claims 10, 15, 31, and 34.

Claim 1 is neither taught, suggested, nor rendered predictable by the Larsen et al. reference. In particular, claim 1 recites, among other features, a base for providing a

subcutaneous infusion path in a first generally linear direction, and a connector removably attachable to the base, the connector having a fluid flow path that extends in generally the first linear direction and aligns with the linear subcutaneous path upon the connector being attached to the base. The Larsen et al. reference does **not** disclose or suggest this feature.

The Larsen et al. reference discloses a base (40) for providing a cannula (49) in a first generally linear direction and a connector (55) having a bore (65) for allowing fluid to flow into the connector. However, the bore extends in a direction perpendicular to the first linear direction of the cannula. In contrast, claim 1 recites that the subcutaneous infusion path and the fluid flow path of the connector extend in the same direction.

Moreover, according to the Larsen et al. reference, the fluid flow path that extends in the first linear direction and aligns with the cannula is part of the base – not the connector. Thus, the Larsen et al. reference does not disclose a connector having a fluid flow path that extends in generally the first linear direction (of the subcutaneous infusion path) and aligns with the linear subcutaneous path upon the connector being attached to the base. As such, the Larsen et al. reference does not anticipate claim 1.

For at least the reasons above, the Larsen et al. reference does not anticipate, suggest, or render predictable the system of independent claims 1, 10, 15, 31, and 34. Claims 2-9, 26, and 37 depend from claim 1 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 1 is believed to be allowable. Claims 11-14, 27, and 38 depend from claim 10 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 10 is believed to be allowable. Claims 16-23, 28, and 39 depend from claim 15 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 15 is believed to be allowable. Claims 32, 33, and 40 depend from claim 31 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 31 is believed to be allowable. Claims 35 and 36 depend from claim 34 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 34 is believed to be allowable. The rejection of claims 1-23 and 31-40, as amended herein, is respectfully traversed.

Claim Rejections – 35 U.S.C. § 103 – Larsen et al. (6,736,797)

Claims 26-28 have been rejected under 35 U.S.C. 103(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Larsen et al. (6,736,797). These rejections are respectfully traversed, in view of the claims as amended herein.

Claims 26-28 are believed to be allowable at least for the reasons discussed with respect to independent claims 1, 10, and 15. Specifically, as discussed above, the Larsen et al. reference does not disclose a connector comprising a connector duct having a fluid flow path that extends in generally the first linear direction and aligns with the linear subcutaneous path upon the connector being positioned on the base. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because the Larsen et al. reference does not disclose the recited feature, there can be no prima facie obviousness. Thus, claims 26-28 are believed to be allowable. The rejection of claims 26-28, as amended herein, is respectfully traversed.

New Claims:

New claims 41-45 are added to further protect the present invention.

Claims 41-45 generally recite, among other features, wherein the connector has a port, the tubing affixed to the port of the connector; and wherein the connector comprises a single, unitary body in which the fluid flow path is contiguous with the port for providing a fluid flow connection between the port and the fluid flow path extending in generally the first linear direction. These claims are supported by the original application, for example, at paragraphs 0036 and 0041, and Figs. 4, 5, and 7, which describe tubing affixed to a receptacle (or port) (44) in fluid communication with a chamber (50) and channel pin (52) along a contiguous fluid flow path that extends in generally the first linear direction (for alignment with the linear subcutaneous path upon the connector being attached to the base). These claims are believed to be allowable at least for the reasons of their respective parent claims.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

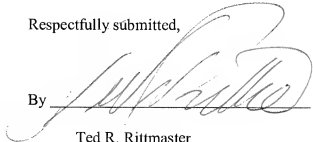
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

7/29/08

By



FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (213) 972-4594
Facsimile: (213) 486-0065

Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933